

IN THE DISTRICT COURT IN AND FOR
THE COUNTY OF RIO BLANCO
STATE OF COLORADO

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CASE NUMBER: 2017CW3045

CIVIL ACTION NO. 1269

IN THE MATTER OF THE SUPPLEMENTAL)
ADJUDICATION OF PRIORITIES OF RIGHT)
TO USE OF WATER FOR ALL BENEFICIAL)
PURPOSES IN WATER DISTRICT NO. 43,)
IN THE STATE OF COLORADO,)
THE YELLOW JACKET WATER CONSERVANCY)
DISTRICT,)
Petitioner.)

TRANSCRIPT
OF
TESTIMONY

BE IT REMEMBERED that, heretofore, on September 13, 1965, the above-entitled matter came on regularly before the Court for presentation of proof in support of claim statements heretofore filed herein, at the hour of 10:00 o'clock in the forenoon, before the Monorable Clifford H. Darrow, Judge of said Court.

APPEARANCES:

For the Johnny Johnson Reservoir;
Big Beaver Creek Reservoir;
Fourteen Mile Reservoir; White
River-Fourteen Mile Creek Pipe-
Line; First Enlargement of the
Fourteen Mile Reservoir; Johnson
Pump Canals; South Fork Pipe
Line; South Fork Reservoir;
Colorado River Water Conserva-
tion District, and The New
Archer-Warner Ditch.

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For the Regas Halandras Pipeline
and Ditch

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For the Moon Lake-Staley Mine
Pipeline and Reservoir

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Q How full is it at the present time?

A It is within three to four feet of the desired level.

Q Three to four feet?

A Yes.

Q Has there been any dedication of this reservoir for public purposes?

A Yes.

Q When did that occur, approximately?

A In May.

Q And, that was the time they started filling the reservoir?

A No, that was prior to this, we had water in it.

MR. BALCOMB: That's all I have, if the Court please.

THE COURT: Very well, you may step down.

MR. BALCOMB: I would like to call Mr. Clevenger.

FOURTEEN MILE
RESERVOIR

WILLIAM A. CLEVINGER,

having been first duly sworn, called as a witness on behalf of the claimant, testified on his oath as follows:

DIRECT EXAMINATION

BY MR. BALCOMB:

MR. BALCOMB: I believe, if the Court please, it is number 90. The Court will remember at the last hearing that I completed the proof on this with the exception of one witness. This is the one witness that was involved and we would like to complete it at this time.

Q State your name.

A William A. Clevenger.

Q Where do you reside?

A 801 Vance, Lakewood, Colorado.

Q What is your occupation?

A Consulting engineer.

Q What firm are you with, if any?

A Woodward, Clyde, Sherard & Associates.

Q What is your position?

A Vice president.

Q Are you in charge of the Denver area office?

A Yes.

Q What is your educational background, Mr. Clevenger?

A I have a Bachelor of Science in Civil Engineering from the University of Wyoming, advanced studies in the Colorado A. & M. and University of Colorado.

Q How long have you been engaged in the profession of engineering?

A Twenty years.

Q Whom were you employed by prior?

A The Bureau of Reclamation.

Q For how long?

A Ten years.

Q Do Woodward, Clyde, Sherard, specialize in the particular field of engineering?

A Yes. We specialize in earth dams, soil engineering and engineering geology.

Q You have to do, then, with the design of the structures?

A Yes.

Q Supervision of their construction?

A Yes.

Q How many of these types of structures have you participated in the construction of?

A Well over a hundred.

Q And, do your activities take you outside the State?

A Yes.

Q To what other area?

A Other parts of the United states and other parts of the world.

Q And, you have been involved in this for how many years?

A This particular aspect of private consulting and earth dams, for ten years.

Q Did you have occasion to visit the proposed site of the Fourteen Mile Reservoir?

A Yes.

Q When did you do that?

A June 24th, 1964.

Q Who were you with on that occasion?

A Mr. Balcomb and Mr. Fleming.

Q Mr. David Fleming?

A Yes.

Q What was the purpose of your visit?

A To determine if the site was feasible from the engineering and geological viewpoint for an earth dam and appurtenant structures.

Q What did you find on this occasion of that visit?

A We felt it was a good site.

Q It was a satisfactory site?

A Yes.

Q Are there materials necessary in the construction of the earth-filled dam?

A They are available from the reservoir immediately upstream and from the excavation for the various structures that will go along with the dam.

Q And, you are satisfied with the feasibility of the site?

A Yes.

MR. BALCOMB: I believe that's all. Step down, please, sir.

(Witness excused.)

WHITE RIVER-
FOURTEEN MILE
CREEK PIPE LINE

CLIFFORD H. JEX,

having been first duly sworn, called as a witness on behalf of the claimant, testified on his oath as follows:

DIRECT EXAMINATION

BY MR. BALCOMB:

Q State your name, please, sir.

A Clifford H. Jex.

Q Are you the same Clifford H. Jex who has previously been sworn and testified in this proceeding?

A Yes.

Q Mr. Jex, did you have occasion to prepare a filing map and do any engineering work in connection with what has been

designated as the Fourteen Mile Creek Pipe Line?

A Yes.

Q I show you a map, consisting of two sheets, which has been marked for identification as White River-Fourteen Mile Creek Pipe Line, Exhibit A, and ask you if you can identify the same.

A Yes.

Q What is it?

A This is a filing map prepared on the White River-Fourteen Mile Creek Pipe Line. It was termed a preliminary filing

map and our office, at Grand Junction, did the field work leading up to the preparation of this filing map.

Q It was prepared under your direction and supervision.

A That is right.

Q This is, as I understand, a print of the original tracing that was made.

A That is right.

Q Was the original tracing filed in the office of the State Engineer?

A Yes. The original tracing is in the office of the State Engineer.

Q When was that done?

A It was accepted for filing in the office of the State Engineer on the 12th of January, 1965.

Q Was it assigned a number by the State Engineer?

A It is approved by the State Engineer and assigned number 22545.

MR. BALCOMB: May it please the Court, at the time the statement of claim was filed with the Court, this data was not available. Page 2, paragraph 7 of the statement indicates it was filed but the data was not then available. As the witness has testified, it was accepted on January 12th, 1965 and assigned number 22545. We would like to amend the statement to show that data.

THE COURT: Would you write out the desired amendments on a piece of paper, please, at once.

MR. BALCOMB: Now.

THE COURT: Yes. Sometimes we forget to come back to things. First things first, one at a time.

MR. BALCOMB: I don't know if my writing will be legible, your Honor.

THE COURT: If not, we will get a handwriting expert.

The amendment is allowed by interlineation.

Q When was the field work, in connection with this pipe line, done or commenced?

A The field work was commenced on the 12th day of September, 1964.

Q Is this the claim date of the initial appropriation for the water rights?

A That is right, this is that claim date.

Q From what source will the structure take its supply of water?

A From the White River below the Town of Meeker.

Q Is a structure presently there through which the water will initially be diverted?

A Yes. Under the plan of diversion here, it is proposed to use the same point of diversion as the Pease Ditch.

Q What is that point of diversion, sir?

A The point of diversion is located on the South bank of White River whence Corner No. 1 of Tract 103, Section 32, Township 1 North, Range 94 West of the Sixth Principal Meridian bears South 79°15' West a distance of 2,141.0 feet.

Q What is the proposed capacity of the pipeline?

A The plan of diversion here and the conveyance of water calls for the construction of two pipelines, each pipeline to carry a hundred second feet of water; so, taking the two of them combined will be 200 second feet.

Q What kind of pipeline will it be?

A Steel pipeline.

Q And, two parallel pipelines, then?

A That is right.

Q What will be the diameter of each of the pipes?

A Forty-eight inches.

Q And, what will be their length?

A The length of the pipeline is 61,200 feet.

Q And, uphill grade of each line is?

A 18.4 feet per thousand.

Q Now, what is the claim character of use of this water, Mr. Jex.

A The character of use would be irrigation, domestic, municipal and industrial purposes.

Q Where will this water be delivered at the terminus or end of the pipeline?

A The water will be delivered to the proposed Fourteen Mile Reservoir.

Q And, who is the claimant of the Fourteen Mile -- Fourteen Mile -- White River-Fourteen Mile Creek Pipe Line?

A It is the Fourteen Mile Land Company, Inc.

Q The same company which you referred when you previously testified?

A That is right.

MR. BALCOMB: That's all we have at this time, if the Court please, to offer. I would like to offer, at this time, the White River-Fourteen Mile Creek Pipe Line Exhibit A.

THE COURT: It is received.

(Whereupon the instrument heretofore marked White River-Fourteen Mile Creek Pipe Line Exhibit A for identification purposes, was received in evidence.)

FIRST ENLARGEMENT
OF THE FOURTEEN
MILE RESERVOIR

MR. BALCOMB: I would like to, if the Court please, refer to the First Enlargement of the Fourteen Mile Reservoir.

THE COURT: Very well, you may proceed with it.

Q Mr. Jex, you are familiar with the structure known as the First Enlargement of the Fourteen Mile Reservoir?

A Yes.

Q Who is the owner and claimant of that structure?

A Fourteen Mile Land Company, Inc.

Q How is the capacity of a reservoir determined, the proposed capacity?

A The physical capacity of the reservoir is determined by survey; generally, a topographic survey of the reservoir basin itself.

Q That can be done in more than one fashion?

A Yes, you can do it with a plane table survey or aerial surveys with ground control.

Q Initially, how was the Fourteen Mile Reservoir basin mapped, Mr. Jex?

A The Fourteen Mile basin, originally, was mapped by aerial survey and ground control.

Q When that flight was flown, how was the height of the structure established; that which the water would be stored?

A At the time the survey was authorized on the Fourteen Mile basin, it was felt that a limitation should be established using a power line as probably the high water control of the reservoir basin. So, the original work was performed on the basis of using the power line towers as a control.

Q And, the anticipation was there would be how much water stored at this point?

A At the time the original surveys were run, we felt the reservoir would store some fifty or sixty thousand acre feet. We found out, however, after completing the survey, that the

amount of storage capacity was considerably less than we anticipated.

Q So, at the time the statement of claim of the Fourteen Mile Reservoir was prepared, it was based on the first survey and the capacity was not what had been expected. Is that correct?

A Yes.

Q Have you subsequently done any work in connection with the reservoir?

A Yes, starting out in July, we went back into the reservoir basin and extended our ground control to include a larger area than was originally surveyed.

Q That was July of what year?

A '65. And, then, shortly after that, we contracted with an engineering company of Grand Junction to fly the area and produce, for us, topographic maps of the reservoir basin and I received last week, copies of these maps. However, I have not had a chance to complete the information on water storage capacity.

Q Now, what is the claim capacity of the First Enlargement of the Fourteen Mile Reservoir, Mr. Jex?

A 60,000 acre feet.

Q Does this include the original quantity claimed for the Fourteen Mile Reservoir before enlargement?

A Yes, it does include the total capacity of the reservoir.

Q What would be the proposed dam height of the reservoir?

A A 170 feet.

Q What kind of a dam will it be?

A Earth filled dam.

Q Do you anticipate, when the aerial work is completed, that it will provide for storage capacity of 60,000 acre feet of water?

A I anticipate it will from the presently available information. We have made an estimate that the dam height of a 170 feet will accommodate a storage capacity of 60,000 acre feet.

Q What will be the source of supply of water for the reservoir?

A The source of supply of water would be the natural runoff of Fourteen Mile Creek and short tributaries plus the diversion of water from the White River itself by the White River-Fourteen Mile Pipe Line and also it may be the South Fork of the White River, it may be a source of water supply through the South Fork Pipeline.

Q Is that a small tributary for Twelve and Thirteen Mile Creeks?

A That is right.

Q In what section will the reservoir be situated, Mr. Jex?

A The reservoir will be situated in Section 5 and 6 and 8 of Township 3 South, Range 94 West of the Sixth Principal Meridian, and Sections 29, 32 and 33, Township 2 South, Range 94 West of the Sixth Principal Meridian.

Q What is the initial point of survey for the reservoir?

A The initial point of survey of the reservoir is at a point located on the axis of the dam whence the Southwest Corner of Section 5, Township 3 South, Range 94 West of the Sixth

Principal Meridian bears South 26°01' East a distance of 1,185.1 feet.

Q Was the engineering work in connection with this survey done under your direction?

A Yes, it was under my supervision.

Q What will be the character of uses for the stored water in the reservoir, Mr. Jex?

A Water will be used for irrigation, domestic, municipal and industrial purposes.

Q Where is the land that will be irrigated or susceptible to irrigation from the reservoir?

A It is anticipated that land downstream in the Piceance Valley could be irrigated and also considerable land adjoining the reservoir, mesa land, can also be irrigated.

Q Has that area been surveyed that could be irrigated, to determine this extent.

A Information is available although it hasn't been tabulated.

Q Do you have any idea as to the approximate number of acres?

A There is about 6,000 acres irrigated downstream on Piceance Creek that is short of full supply of irrigation water. This figure of 6,000 came as a result of survey. The land above the reservoir, I can only make a guess as to how big that would be.

Q I see from the statement of claim that the date of claim is June 24th, 1964; where does this date come from, Mr. Jex?

A The date of June 24th, 1964, is the date that the reservoir was inspected and previously testified to by Mr. Clevenger.

Q In other words, this is the claim -- this claim here is for the same date as for the reservoir before enlargement.

A That is right.

Q And, is based upon the same inspection?

A That is right.

MR. BALCOMB: I believe that is all in connection with this except I would like to have the Court take notice of both Mr. Fleming's and Mr. Clevenger's testimony in connection with the Fourteen Mile Reservoir with this statement of claim. I can recall them but they would say identically the same thing.

THE COURT: They previously testified?

MR. BALCOMB: Yes, sir, in connection with the Fourteen Mile Reservoir but not to the enlargement. Mr. Jex has done all the work on that.

Now, Mr. Jex, I wonder if we can go to the Johnson Pump Canals?

Q Mr. Jex, are you familiar with what is known as Johnson Pump Canals?

A Yes.

Q And, did you perform any survey work in connection with them?

A I made a survey of the proposed pump canals.

Q This is a structure that is likewise not constructed at the present time?

A That is right.

Q Who is the owner and claimant of the structure?

A Winston Wheeler.

JOHNSON PUMP
CANALS

A I think they could well be grown on that land along with some alfalfa.

Q Has a filing map been prepared and filed with the State Engineer's office concerning this structure?

A No, it has not.

Q I believe you testified the character of use of the water was irrigation and stock watering purposes?

A That is right.

MR. BALCOMB: I believe that's all I have in connection with this structure.

SOUTH FORK
PIPE LINE and
SOUTH FORK
RESERVOIR

Q Mr. Jex, are you familiar with what is known as the South Fork Reservoir?

A Yes.

Q Have you done any engineering work in connection with that structure?

A Yes, I have.

Q When was your work commenced? I will withdraw that last question. Mr. Jex, I show you what has been marked for identification as South Fork Reservoir and South Fork Pipe Line Exhibit A and ask you if you can identify it?

A Yes.

Q What is it?

A It is a filing map prepared and filed with the office of the State Engineer. It is a preliminary map prepared on two sheets. It includes both the South Fork Reservoir and what is termed the South Fork Pipe Line. The filing map

was accepted by the State Engineer on the 12th day of January, 1965 and assigned number 22546.

Q That was January 12, 1965, number 22546. Is that correct?

A That is right.

MR. BALCOMB: If the Court please, the same situation exists here as previously. We ask leave to amend the statement of claim, the South Fork Reservoir, page 2, paragraph 6 and then the South Fork Pipe Line, page 2, paragraph 5 with the following language. This plat was accepted for filing by the State Engineer on January 12th, 1965 and assigned number 22546.

THE COURT: Granted by interlineation.

Q Who prepared the map and statement, Mr. Jex?

A I did.

Q And, was it based upon field survey work?

A Yes.

Q When did you commence your work in connection with these two structures?

A The work was started on September the 14th, 1964.

Q And, on that occasion, when did the actual field survey commence?

A The actual field survey work was started on September 28th, 1964. When I say field survey work, I have reference to starting out of a survey party on the survey work itself.

Q On the previous date, September 14th, 1964, what was done?

A On September 14th a full inspection was made of the South

Fork Reservoir Basin. There was a party of four of us that made the inspection and during the inspection we sized up, as to the reservoir basin, we sized up the dam site. We also found two section corners that could be used as corners to tie in later surveys that we anticipated at the conclusion of our inspection of the reservoir site.

Q Who is the owner and claimant of these structures, the South Fork Reservoir and South Fork Pipe Line?

A The Fourteen Mile Land Company, Inc.

Q What section will the reservoir, when constructed, be situated?

A The South Fork Reservoir will be located in Section 21, 22, 23, 24, 25, 26, 27 and 28, Township 2 South, Range 90 West of the Sixth Principal Meridian.

Q Is that what you call a channel reservoir, an on-stream reservoir?

A The reservoir will be located on the South Fork of the White River.

Q What kind of dam would you anticipate would be built?

A I would anticipate, from what investigation we have been able to make, it would likely be an earth filled dam; although, the dam site lends itself to a possibility of a arch dam, concrete arch dam.

Q Have you or had you at the time the statement of claim was prepared and the filing map I just referred to was prepared, had an opportunity to actually compute the capacity of the dam? Reservoir; pardon me.

A Reservoir basin itself?

Q Yes.

A We haven't run a detailed survey of the reservoir basin. We did, however, endeavor to compute the capacity from topographic maps. The map we used for this purpose was the Glenwood Springs quadrangle sheet prepared by the U. S. Geological Survey.

Q What did you come up with as to the probable capacity?

A Our figure indicated the probable reservoir capacity of 60,000 acre feet.

Q With the dam at what height?

A With the dam height of 270 feet.

Q What is the point of, initial point of survey for the dam?

A The intersection of the proposed dam axis with the stream channel of the South Fork of White River is located at a point whence the Northeast Corner of Section 28, Township 2 South, Range 90 West of the Sixth Principal Meridian, bears North $50^{\circ}31'$ East a distance of 4,382 feet.

Q What is the source of supply for the reservoir?

A The source of supply is the South Fork of White River and upstream tributaries.

Q Then, the claim would be made for the capacity of the reservoir for what purposes, Mr. Jex?

A For industrial, domestic, municipal, recreational and irrigation purposes.

Q What will become of the water which is stored in the reservoir? How would it reach the point of use?

A It is proposed that the pipeline would be run from the dam of the reservoir to the drainage basin of Piceance Creek and the water, or at least a portion of the water, would be diverted directly into the pipeline or a portion of the water may be released on out downstream in White River and used on down stream.

Q Now, as to the South Fork Pipe Line, is the point of diversion for this pipeline the same as the tie on the reservoir you just gave?

A That is right, it is the same.

Q And, based on the same survey?

A That is right.

Q Where would the land be located that would be irrigated from this reservoir?

A Well, water from the reservoir can be used to irrigate lands in Piceance Valley or it can be used to irrigate lands on downstream from the reservoir in the White River Valley.

Q That would be between Piceance and points of diversion on South Fork; where are these located with relation to the river?

A I don't know that I follow your question there.

Q Let me ask it this way; the land that could be irrigated would be from the pipeline on the way to the reservoir to Piceance Basin. Is that right?

A Yes, several acres of land that can be irrigated directly from the pipeline between the point of diversion and the South Fork of White River and terminus of the pipeline on

Piceance Creek drainage. Those lands can also be irrigated from water stored in the reservoir.

Q Do you have any idea or is the acreage of land somewhat similar to that you refer in connection with the Fourteen Mile Reservoir that could be irrigated from water in this reservoir likewise?

A To the water?

Q I mean land.

A The land that could be irrigated from this reservoir is located in Piceance Valley; it would be the same. However, there is this other acreage that I mentioned here, the White River Basin itself.

Q Now, referring to the South Fork Pipe Line; how big of a pipeline would you contemplate will be built?

A Sixty inch, steel pipeline.

Q Sixty inches?

A Yes.

Q And, how long would the pipeline be?

A Thirty-two miles.

Q And, what would its grade be?

A 2.5 feet per thousand.

Q Would it be a gravity line?

A It would be a gravity line.

Q What would be the carrying capacity?

A One hundred second feet.

Q And, would the water diverted through the pipeline be the same use, for the same purposes, as that stored in the reservoir?

A Essentially the same purposes.

Q Do I understand you that part of the water will be direct flow water in the pipeline and part of it will be stored water? Is that correct?

A That is right.

MR. BALCOMB: All right, I believe that's all, Mr. Jex. Call Mr. Clevenger. If the Court please, may Mr. Jex be excused?

THE COURT: Is there anyone here who desires to ask Mr. Jex any questions or who feels he should remain here today or during the hearings that will be conducted in this matter? Apparently not, Mr. Jex, so you are excused.

(Witness excused.)

WILLIAM A. CLEVINGER,

having been previously sworn, called as a witness on behalf of the claimant, testified on his oath as follows:

DIRECT EXAMINATION

BY MR. BALCOMB:

Q State your name, please, sir.

A William A. Clevenger.

Q Are you the same that has been previously sworn to testify in this proceeding?

A Yes.

Q Have you had occasion to visit the site of the proposed South Fork Reservoir?

A Yes.

Q When did you visit it?

A December 4th, 1964.

Q Did you locate an alignment or do any work in connection with the South Fork Pipe Line on that occasion?

A We inspected the proposed alignment.

Q You say we?

A Mr. Dave Fleming and I.

Q You say it was on December 4, 1964?

A Yes.

Q How did you get into the country?

A With a helicopter.

Q How long were you in the area?

A Most of one day.

Q In connection with the South Fork Reservoir, what did you do?

A I inspected the rocks, the rock which would form the foundation of the dam and examined the area for sources of material out of which to build the dam. I inspected the areas to see if there were slide problems or other problems that might influence the dam and pipeline at that location.

Q From the engineering standpoint, did you find the site to be feasible?

A Yes.

Q In this connection with it, did you inspect the basin area that the water would be backed up into by construction of the dam?

A Yes. We flew at the proposed high water elevation of the reservoir all the way around the reservoir.

Q To ascertain what?

A The rock that would be involved in the reservoir to see if there would be excessive leakage from the reservoir or slides.

Q Is there readily available, in the area, sufficient material to construct an earth filled dam?

A Yes; an earth rock dam I would call it; it would be a combination of earth and rock.

Q You say you and Mr. Fleming did this on the 4th of December, 1964.

A Yes.

Q Have you done any other work in connection with the reservoir yourself?

A Some office work, checking on the geology of the area and I believe that's all.

Q You then went back to Denver and did some office work on it also?

A Yes.

Q Did you participate in the preparation of the report in the construction of the structure?

A Yes.

Q Was it yours or Mr. Fleming's report?

A It was a combined report.

Q Do you have a copy of it with you?

A Yes.

Q Mr. Clevenger, I show you what has been marked for identification, South Fork Pipe Line and South Fork Reservoir Exhibit B and ask you if this is a copy of the report which you refer?

A It is.

MR. BALCOMB: I believe that's all. Call Mr. Fleming. Would you come back, Mr. Clevenger, I forgot one thing.

Q You say that on this same day, on December 4th, 1964, you also flew out in the helicopter the alignment of the pipeline?

A Yes.

Q That would be from where to where?

A From the South Fork dam site to the vicinity of the Fourteen Mile Reservoir.

Q And, what did you do in connection with the flying it out, Mr. Clevenger?

A We determined the approximate alignment of gravity of the pipeline to find out where the pipeline would have to go through the passes and find what we felt was the most economical alignment of the pipeline from the topographic standpoint.

Q What did you use for vertical control?

A The altimeter on the helicopter.

MR. BALCOMB: I believe that's all, thank you.

(Witness excused.)

DAVID E. FLEMING,

having been previously sworn, called as a witness on behalf
of the claimant, testified on his oath as follows:

DIRECT EXAMINATION

BY MR. BALCOMB:

Q Would you state your name, please, sir?

A David E. Fleming.

Q Are you the same David E. Fleming who has previously been
sworn to testify in this proceeding?

A I am.

Q Mr. Clevenger mentioned that you were with him on the
helicopter flight.

A Yes, I was.

Q On what date was this?

A December 4th, 1964.

Q And, you prepared a report in connection with the Clevenger
report on the results of your trip?

A Yes.

Q I show you what has been marked for identification as South
Fork Reservoir and South Fork Pipe Line Exhibit B and ask
you if that is a copy of that report?

A Yes, it is.

Q As I understand, by you and Mr. Clevenger?

A Yes.

Q Have you had occasion to do any work on the South Fork
Reservoir site since the helicopter trip, Mr. Fleming?

A Our firm has prepared the preliminary filing map for this reservoir.

Q And, in connection with that filing map, what was done?

A Aerial photographs were obtained, the filing map was prepared, including areas and capacity for the dam and reservoir.

Q I show you what has been marked for identification South Fork Reservoir Exhibit C and consisting of three sheets and ask you if you can identify it?

A Yes, this is the filing map.

Q This is a print of the tracing?

A That is right.

Q Has this instrument been executed by yourself and the claimant?

A No.

Q Has it been filed with the office of the State Engineer?

A No, it has not.

Q Why?

A The map has just been completed and being forwarded to the claimant for signature.

Q This is the original?

A That is the correct.

Q And, it is the intention of your office to file it with the State Engineer?

A That is right.

Q Does this map supplement that filed by Mr. Jex which has been identified as South Fork and Reservoir Pipe Line Exhibit A?

A Yes.

Q You heard Mr. Jex testify this morning concerning the South Fork Reservoir?

A I did.

Q Did he have available to him the information that you now have available to determine the dam height and capacity of the reservoir?

A No, he did not.

Q What did you, from this aerial survey, determine the height of the dam should be?

A 250 feet.

Q With a 250 foot dam, how much water would be stored at this site?

A 85,342.4 acre feet.

Q Is that reflected on your filing map?

A Yes, it is.

Q And, has any additional work been done by your firm in connection with the South Fork Pipe Line?

A Yes. We have done preliminary field studies, reconnaissance in nature to determine the approximate alignment of the pipeline.

Q When, generally speaking, was all of this work done, Mr. Fleming?

A In August and September of 1965.

Q When, if you know, was the aerial work done in connection; when was the reservoir basin actually flown?

A Approximately the first week in August, 1965.

MR. BALCOMB: I would like to offer in evidence South Fork Reservoir and South Fork Pipe Line Exhibit A and B and South Fork Reservoir Exhibit C.

THE COURT: Admitted.

(Whereupon the instruments heretofore marked as South Fork Reservoir and South Fork Pipe Line Exhibit A and B and South Fork Reservoir Exhibit C for identification purposes, were admitted in evidence.)

Q From an engineering standpoint, Mr. Fleming, do you consider the location of the South Fork Reservoir to be adequate and feasible?

A Yes.

MR. BALCOMB: I would like to ask leave to amend the statement of claim to show the claim capacity of the South Fork Reservoir to be 85,000 -- page 2 of the statement in the very top line; 70,000 acre feet as to be delivered and 85,342.4 feet . . . acre feet.

THE COURT: Amendment is allowed.

MR. BALCOMB: The same amendment, if the Court please, in paragraph 4 at the end of line 4.

THE COURT: Granted.

MR. BALCOMB: And, to change, if the Court please, the last line of paragraph 3, which ends on that same page, the height of the dam from 280 feet to 250 feet.

THE COURT: 250 feet; granted.

MR. BALCOMB: And, if the Court please, in connection with the South Fork Pipe Line, which is 123 in the

Court's files, show the carrying capacity of the pipeline to be -- in the fourth line on page 2, a hundred cubic feet instead of 70.

THE COURT: The carrying capacity of said pipeline will be --

MR. BALCOMB: A 100 cubic feet.

THE COURT: Granted.

MR. BALCOMB: And, in the fourth from the last line in that same paragraph; a 100 cubic feet, if the Court please.

THE COURT: Very well.

MR. BALCOMB: That's all, Mr. Fleming.

I would like to announce that I have no more proofs to offer or statements of claim left.

ROCKY MOUNTAIN
POWER COMPANY

If the Court will remember in connection with the proof of the Rocky Mountain Power Company, the Colorado River District, protestant, I would like, at this time, to ask leave to mark as Colorado Water Conservation District Protestant Exhibit 2 an exhibit consisting of four sheets, and offer it in evidence.

THE COURT: It may be done. Admitted.

(Whereupon the exhibit heretofore marked as Colorado River Water Conservation District, Protestant, Exhibit 2, for identification purposes, was admitted in evidence.)

MR. BALCOMB: That's all we have, if the Court please.